

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

**DAVID IVEY, M.D.,**

Plaintiff,

v.

**AUDRAIN COUNTY, et al.,**

Defendants.

**Cause: 2:17-CV-00082-CDP**

**MOTION FOR SUMMARY JUDGMENT OF DEFENDANTS AUDRAIN COUNTY,  
NATHANAEL ATKINSON, RICHARD WHITE, AND NICHOLAS JENSEN**

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Pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, Defendants Audrain County, Missouri, Nathanael Atkinson, Richard White, and Nicholas Jensen move this Court for entry of summary judgment in their favor. As grounds for this motion, Defendants state the following:

1. Based upon the undisputed facts in the record and the law applicable to those facts, Defendants are entitled to summary judgment on each of Plaintiff's claims in the complaint. Fed. R. Civ. P. 56(a).
2. The individual defendants are each entitled to qualified immunity on the Section 1983 claim for damages brought against them.
3. In support of this motion, Defendants rely upon their statement of uncontroverted material facts filed with this motion; the depositions of Defendant Officers Nathanael Atkinson, Richard White, and Nicholas Jensen; the depositions of Co-Defendants Nurse Stephanie Hildebrand and Dr. Shawndra Brown-Foote; and the deposition exhibits cited in the statement of facts; all of which are attached to this motion for summary judgment.

4. There is no genuine issue of material fact, and on the law applicable to the undisputed facts, Defendants are entitled to summary judgment in their favor.

WHEREFORE, Defendant pray this Court enter judgment in their favor on all of Plaintiff's claims; dismiss with prejudice all claims in the Second Amended Complaint; and grant the Defendants such further relief as this Court deems proper.

Respectfully Submitted,

KING, KREHBIEL, HELLMICH, LLC

By: /s/ Rachel A. Bates  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 13, 2019, a true and accurate copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system and served via electronic mail to all counsel of record.

/s/ Rachel Bates